

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 17-49939

DEVIN MONROE MILTON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER REQUIRING DEBTOR AND DEBTOR'S ATTORNEY, EACH,
TO PAY A \$500 FINE TO THE CLERK OF THIS COURT**

On June 17, 2014, the Debtor, through his attorney Richard Todd Cook, filed a voluntary petition for relief under Chapter 7, commencing Case No. 14-50191. On August 6, 2014, the Court entered an order dismissing that case and barring the Debtor from filing another bankruptcy petition “unless and until the Debtor first pays in full the \$335.00 filing fee for this case” (Docket # 19 in Case No. 14-50191, the “Dismissal Order”). Despite this, on August 1, 2016, Debtor, through his same attorney Richard Todd Cook, filed another voluntary petition for relief, under Chapter 7, commencing another case, Case No. 16-50813. Because the Debtor had not yet paid the overdue filing fee when he filed that case, the Debtor’s filing of that case was in violation of the bar in the Dismissal Order. For that reason, on August 2, 2016, the Court entered an order dismissing that case (Docket # 3 in Case No. 16-50813). In addition, on September 12, 2016, in Case No. 16-50813, after holding a hearing attended by both the Debtor and his attorney Richard Todd Cook, the Court entered an order entitled “Order Holding Debtor and Debtor’s Attorney Richard Todd Cook In Civil Contempt; Ordering Fines (Suspended Conditionally) Against Debtor and His Attorney; and Barring Debtor from Filing Another Bankruptcy Case Unless and until Debtor Pays in Full The Filing Fee Owing for this Case” (Docket # 14, the “Contempt Order”), which provided, in relevant part:

IT IS ORDERED that:

1. Debtor's attorney, Richard Todd Cook, is found in civil contempt for his violation of the bar order in the Dismissal Order, and for his failure to obey the Show-Cause Order.
2. Debtor's attorney must pay to the Clerk a fine in the amount of \$500.00, but this \$500.00 fine is suspended, on the following conditions:
 - a. Debtor's attorney, Richard Todd Cook, must never again file a bankruptcy case on behalf of any debtor in violation of an order barring such filing.
 - b. Debtor's attorney, Richard Todd Cook, must never again fail to appear at any hearing as ordered in any show-cause order issued by the undersigned judge.
3. The Debtor Devin Monroe Milton is found in civil contempt for his violation of the bar order in the Dismissal Order, and for his failure to obey the Show-Cause Order.
4. The Debtor must pay to the Clerk a fine in the amount of \$500.00, but this \$500.00 fine is suspended on the following condition: Debtor must never again file a bankruptcy case in violation of an order barring such filing.
5. The Debtor is barred from filing any new case under the Bankruptcy Code, and the Clerk is directed not to accept for filing any further bankruptcy petition(s) by or on behalf of the Debtor, unless and until the Debtor first pays in full the \$335.00 filing fee owing for this case.

Despite the bar to refiling in the Contempt Order, on July 7, 2017, the Debtor, through his same attorney Richard Todd Cook, filed yet another voluntary petition for relief, under Chapter

7, commencing this case. Because the Debtor had not yet paid the overdue filing fee for Case No. 16-50813 when he filed this case, the Debtor's filing of this case is in violation of the bar in the Contempt Order.

Accordingly,

IT IS ORDERED that:

1. No later than July 24, 2017, the Debtor and the Debtor's attorney Richard Todd Cook each must pay the \$500.00 fine to the Clerk of this Court based on Paragraphs 2(a) and 4 of the Contempt Order in the prior case.
2. No later than July 25, 2017, the Debtor and the Debtor's attorney Richard Todd Cook must file in this case an affidavit verifying such payments.

Signed on July 10, 2017



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge